P. 74699

G. R. S. IX-5]

Previous references.

192 .

(David Rao)

File No. 124

Serial Nos. 1 .

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 7

Major **Part B for** September 1899

SUBJECT.

Appeal of Sesha Ayengar of Jodi Hosur village, Srinivasapur Taluk regarding his right to graze his Cattle on the Hill base Lands of Arakerikkaval.

Dy. Sec. to G.

168

Pet^n no 2357

L.C. 124-97.

1885. The proc^s books containing these proceedings are pulled in within to there reference is made to paras 2,3 & 4 of Jo 20 f 333 d 11/12/94 (and see also Jo 21 P.C. 223 in Rev cases) which repeals & this subject-

The Dy Com^rs order under appeal is in conformity with the principles enunciated in these proceedings

= The appellants contend that they have a "vested right" to graze their Cattle on the hillocks Lands of the Sukar Village. The Lands are at the disposal of the Govt & can at any moment be brought under cultivation

Pet^n d 3rd Consisting (with 3 reff. books and the Manual containing Forms of these orders)
My 2/4/98

2(a) Why clause IV 2 paragraph should be enforced if the Govt's power is found

(1) Whether the annual hukbundobust
Whether the terms of the
Whether the Govt is bound by the
Govt to annual pattadars

(1) ~~Whether the appellants~~
so far as it is inconsistent with the
Govt is bound from time to time
Govt hukbundobust

(2) ~~Whether the~~ Whether in any year
what rents can be
the Govt rights
(3) Are the village
by the Statutory
Govt cattle

Lb-124-97-1
1898

6

Received by Petitioner in person
Collr's Branch
Dy C. A.
15/5/98

Filed 18/5/98

(1) 1/2 R. Stamp affixed. Stamp sufficient

(2) The copy of the Dy Comrs order produced herein ~~is not dated~~ does not show the date of the order. May In which cases the practice is to presume 29/9/98 that the appeal is in time. The attention of the Dy Comrs may however be drawn to this defect in the copy

(3) Appeal against Dy Comrs order rejected apparently under the Last clause of Sec 36 of the L Revenue Code "in a case to be decided by circumstances"

(4) Not a "Civil" case

= The parties are sharing the annual lands

2 Village is the ryots of another village

Regulation Sec 40 of the L Revenue Code the present dispute relates to the claim of a Jodi Village to graze its cattle on the kulbanne (reserved waste) land

2 a Sirkar Village. The Dy Comr's Lr to found that the matter was decided in 1883 against the appellants & his Sirkar has no reason to review that order

= The Dy Comrs refers to Collrs proceedings of July 1884 & January

No.	235-1
Name of Petitioner	Sella Ayyan
Village	Jodi Hosur
Taluk	Salem
District	
Date of Arzi	18-3-98
Date of Receipt	18-3-98
Date of Disposal	
No. of Enclosure	one

ABSTRACT

An appeal against the decision of the Dy Comr of Salem in Rev Misc Appeal No: 1 of 97-98 directing that Jodi Hosur ryots should be informed that they can have no vested right to graze their cattle on the Sirkar waste lands of Singanallur Talapur without the consent of the ryots of Arakere

The

The parties are as follows:-

Appellant
Sésha Iyer an Jodidar of Hosur Jodi in the Kolar Taluk —

Vs

Respondents
1. Patail Munisamy
2. Shamboga Ramappa
3. the residing ra-
-ctakere Srinivasa-
-pur Taluk

The grounds of appeal are:-

(1) That the appellant & his raiyats had been making these cattle, as can be observed from exhibits marked 14 & 21 in the records connected with the case, paying halbanni rates, in pursuance of the long existing manual-

(2) That the appellant & his raiyats held lands in the Respondents' village paying assessment

(3) That in the sale of Halbanni during 1889-90, the Patails of the 6 the villages respectively bid & secured the grazing land & gradually paid the amount according to

(4) & That the deputy Commr's order in the concluding portion of para 2 of his judgment, stating "I am not in reason to believe that

Petn No: 2351

4

2/

"that the Hoey Villages grazed their cattle for some years paying a portion of the Albanny rent" they are entitled to graze grays that the right of grazing may be extended to them, according to [illegible] Manual, setting aside the order of the Lands Court

28/8/98

5

Précis

Petn no 2351 dated 18.3.98.

Petr:- Seshaiengar, Jodidar of Hosur village, Srinivasapur Taluk

Subject:-

Appeal against the order of the Dy Comr Kolar Dt, declining to recognise the right of the petr and his ryots to graze their cattle on the kulwadi lands of Hosur village

Facts of the case are as follows:-

(1) On 26.9.96, Seshaiengar Jodidar of Hosur village presented a petn to the Dy Comr stating that the ryots of Hosur village (who also own lands in the Hosur village) used to graze their cattle in the Hosur kulgaval lands from a very long time, paying their share of the kulwadi amount, and complaining that the Shanbhogan patel of the Hosur village with the intention of depriving the Hosur ryots of their kule, objected

paper no 44 in the Ver file (Sub no 1)

to the Honour cattle grazing in the Anakere lands as per manual. The petition was forwarded to the Amildar of the Gulbhagal Sub for report, on 24.9.96.

(2) The Jadidar and the ryots of Honur also presented a similar petition to the Amildar in the matter. Thereupon the Amildar in his kulkarni No 162/164 dated 2.10.96 directed the Shekdars of the Yeldurkoppi to examine the patil, Shanbhag and the ryots of Anakere regarding the alleged rights of the Honur ryots and to submit a report in the matter. The Jadidar was also called upon to produce the documents within if any establishing the rights of the Honur ryots.

paper No 46 in file Subdivn 2 and 7. via 1

(3) The Shekdar took down the following depositions:-

(1) On 13.10.96, the Shanbhag and patil of Anakere deposed to the following effect

Subdivn 8. via

"The ryots of Jodi Honur never participated in the kulkarni right of the Anakere village nor any portion of the kulkarni amount of Anakere village was received from the Honur ryots. The kulkarni amount used to be apportioned between the Anakere and Kalapura (Kabbe) ryots in the proportion of 3 to 1. As the complaint of some ryots of Honur in 1883 [illegible] against the

Sheet-2
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the then Chairman of Thalore village for banning obstructed there from grazing their cattle, an enquiry was held by the Tahsildar and after some correspondence orders were issued by the Dy Collr to the effect that the Hosur ryots might raise their cattle in the Thalore village kulgonal lands only if the kulkamis of Thalore permits, and that Govt could not interfere and issue orders against the wishes of the kulkamis in this order was communicated to the Hosur ryots by endt No 21 dated 21.5.1863 (a copy of which is herewith produced). Originally the villagers of Thalore had enough gomal lands But about 6 years back, more than three fourths of the said lands were taken up for Yeldur State forest. The lands now available for pasture being insufficient for the use of the Thalore villagers themselves, they have complained to the authorities praying for a portion of the reserved lands being re-allotted as gomal / the Tahsildar Coimr and the Dy Collr

have

⊗ Enclosure No 9

have recommended that proceedings to quash had not been issued in the matter on account of the insufficiency of the present available lands for pasture, the ryots of Arakere are grazing their cattle on the forest lands by paying about Rs 20 or 25 annually at 4 as/- per head of cattle. The Hosur ryots who belong to a different village have no right to the lands of Arakere village. In spite of the order of 1893, the Hosur ryots are giving trouble now and then by allowing their cattle to graze in our village lands. We pray for orders directing the Hosur ryots not to interfere with the village pomal lands in future."

(5) The villagers of Arakere also gave a petition to the above effect.

(6) The Sheristadar thereupon submitted a report to the Amildar on 14.10.96 as above.

The Judicial Hosur in his petition dated 28.10.96, to the Amildar promised that he would produce the papers called for within the 3rd June 1896 and on 8.11.96 submitted another petition to the Amildar complaining that the petition sent by the Sheristadar was drawn in his absence

1

(7)

No 44 in the V file
Paper (sub-No 10).

Sub-No 7.
2

Sheet 3

9

and witnesses examining all the ryots of Kalkere village and praying that Panchala Krappa, Appaiya and 10 others of Kalkere may might be examined in the matter.

Paper No 46 V. file.

(7) On 13.1.97, the said Jodidar submitted a petition to the Tahsildar complaining of the non-disposal of his petition to the Amildar. His petition was forwarded to the Amildar for report. The Amildar in his No 357 dated 24.1.97, replied that the matter was under inquiry and that a report would be issued after examination of certain witnesses on behalf of the Jodidar and the receipt of documents promised to be filed by the Jodidar.

(8) The Amildar issued notices to the parties concerned and took down their depositions on 20.4.97.

Papers No 44. Subpro. 13.

(9) The Jodidar deposed as follows:- "In the Khata for the years Virodhi and Vikruthi, in my name as well as that of [illegible] Gowda (in respect of Kalkere village) the hulbanni rights of Kalkere village are entered against our khata. At that time the hulbanni was not apportioned among the ryots.

but collected separately in the
Kharate of each ryot. In the year
2049, Somappa Shanbhag
of Kalkere had sent me
a list showing the amount
to be collected from the Hosur
ryots on account of the
kulkarni of Kalkere. That
list is herewith enclosed. (Sub-Reg 20)
I have no other documents
with me. I shall enquire
into ryots also. The witnesses
on my behalf may be examined.

The Kharates referred to ~~have~~ (Sub-Reg 18 (1) (a))
been are herewith produced"

(b) Panchalada Erappa (Sub-Reg 16.)
ryot of Kalkere, deposed as follows:-
" Since the last two or 18 years
the Hosur ryots are paying 1/18 of
the kulgaval asst of the Kalkere
village (the Kalkere villagers
paying the other 2/3rd) and
grazing their cattle on the
Kalkere lands. Only this year
(Manmatha) ~~both the villages~~
have fallen out. All the year
Manmatha both the villagers
were on good terms and were
enjoying the kulkarni of
Kalkere in common. I have
seen the Hosur cattle
grazing on the Kalkere
lands. This a fact that the
Shanbhag and patel of
Kalkere used to send a
kulavanpatti to the Hosur
village showing the

Sheet 4

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amount to be recovered from the Hosur ryots towards the kulbanni of Malkere. I don't know the reason for the misunderstanding between the two villages. It was said by the villagers without my knowledge. I know for a fact that Talari Papiga of Malkere used to go to Hosur for 2 years. I have heard him saying that he went there for collection of the money due on the lands cultivation and kulbanni

Paper No 64
Sub No 15

(11) Appaiga of Malkere deposed on 20.4.97 as follows:-

I am well aware that the Hosur village cattle used to graze on the Malkere kulgaval lands since the last 10 or 12 years. Since 2 or 3 years the Hosur and Malkere ryots are sharing the kulgaval in the proportion of 1 to 2. The patel of Malkere (Munigowda who is before me now) went to collect the money himself. When the ryots of the two villages fell out about 4 or 5 years back it was decided by panchayat that 1/3 share of the kulgaval should be given to Hosur ryots and the other 2/3 to the Malkere ryots. Venkatara-mappa elder brother of

Shanbhog Ramappa also went to collect the kulavanni amount. I do not know who collects the money due last year and year before last. The Hosur cattle are even now grazing on the Tralam village lands. I am not aware of the maharaj being drawn by the shekdar".

(12) Bad Ramappa son of Venkatavenna setti, ryot of Tralam, 70 made the following statement. "The Hosur ryots are paying the kulgadal amount and are grazing their cattle on the Tralam village lands since 20 years. In the time of Amildar Seshagiriyya a dispute arose between the two villages. Patel Munigaunder proposed to give half the rights to the Hosur ryots but we the ryots of Tralam contended that a large portion should be given us in consideration of the Tralam village being large of the two. Thereupon it was decided by the Amildar that 1/3 should be allotted to Hosur and 2/3 to Tralam. We consented to abide by the decision. There was no talkar till the year Manmatha. Puttiya Dasanatchi a Valepar was raised (I don't know why). I have seen the

Subrig 15

13

Item 64

Hosur cattle grazing on Malleru lands. The palli and the shanbhag got a mahazar drawn and brought home for signature. In the mahazar it is stated that the Hosur ryots were not grazing their cattle on the Malleru lands. I signed the mahazar however, as I did not think I ought not to go against the statement made by several villagers. I don't know at what particular time the latter was decided upon. It was not decided in writing but only. The Hosur villagers were now and then going to Malleru for payment money. I don't know whether it was for payment of Sulgavalamu"

Paper no 64 v. file Subtrs 17

(13) Deposition of Venkata-Sami, a ryot of Malleru on 20.6.97

" The Hosur ryots were grazing their cattle on the Malleru lands for 10 years. Only last year a latter has been raised, that by the Malleru ryots, the lands are available for pasture being insufficient. I don't remember either of the documents of the mahazar or my affixing signature to it" (N.B.). Ex

(N.B.) His name is in the mahazar.

(14) The muhalar on 12.6.97 submitted a report to the Court as follows:—

Papers re 46 A file

"The Khalés of the years 1887-88 and 1888-89 (Sanvajithan and Sauvadari) in the names of Hosur Jodidar and Munappa produced by the Jodidar, showing payment of the kulgaval amount for the Atalare village are herewith submitted. The kulkarni Takdia of Atalare village for the years noted in the margin are also herewith submitted. Some ryots of the Atalare village have deposed that the Hosur ryots were enjoying the right of kulgaval of Atalare but the Shanbhag, patel and some other ryots of Atalare state have denied the enjoyment of any such right by the Hosur ryots. The muhalar dated 13.10.97 seems to have been drawn in the absence of the ryots who have now deposed in favour of the Jodidar. The following papers in the record throw light on the point in question.

(1). The patta of Atalare village for the year Sauvadari (1887-88) in the name of Jodidar Sabhanga showing Rs. 2-12-9 as having been collected on account of kulgaval Basavanagowda Patel of Atalare village.

(2). The patta of the year Sarva

Re 46 Vernile (Suppl. 13.6.98/3)

(P) Kulkarni Takdia for { Sarvajithu 87-88 Sauvadari 88-89 Virodhi 89-90 Vikramthi 90-91 Khara 91-92

Do and apportionment patti of { Nandana 92-93 Vijaya 93-94 Jaya 94-95 Manmathi 95-96

(Papers submitted as Suppl. 20/2)

vide papers Exh (Suppl No 18) Ver file.

Sheet 15

vide Subreg 18(iv)(file)

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(3). The patta of Umrappa Hosur for the year Shaubhag Vad 1912-9 was received for Kanadari and 1912-9 for Virodhi Varas the Hulgaval of Malaere.

(4). The receipt-dated 15.6.93 given by Patil Ummangouda ~~to Umrappa~~ acknowledging receipt of Rs 1-5-0 towards the Hulgaval amount.

vide Subreg 19 attached to Subreg 17.

(5). The note written by Patil Ummangouda in respect of the amount due from the ryots of Hosur on account of Hulgaval.

vide Subregs 20-21.

(14) (15) From the above papers the exercise of the right of grazing on the Malaere Hulgaval lands by the Hosur ryots is clearly established Besides in the Hulbanni Taluka of the year Virodhi 1892 are assigned in the name of Lotter Analegouda (Rs 1/- only the total Hulbanni Rs 16 for Malaere) being stated to be due from him. Shaubhag Ramappa has acknowledged the receipt of the said 1-0/- This is further corroborated by the Kattun ~~phoot~~ receipt dated Chaitra given by the Patil Ummangouda

gaundia.

In the mamlatdar dated 13-6-27 of the Sirsi villages it is stated that Ruak dated 21-5-83 was issued to the Hosur ryots informing them that they might graze their cattle on the Sirsi Inlgunal lands & permitted by the Sirsi ryots. But it is evident from the records, that the Hosur ryots were grazing their cattle even after 1883. It is clear that there is right to have resorted between the gaudias and the important ryots (Shanbhag &c) of Sirsi. and that time forth the latter seems to have been raised."

(15) The 2nd Asst Collector there upon ordered as follows:-

"The records clearly prove that the Hosur ryots were grazing their cattle on the Sirsi village lands from the year Saravajit Thu (1887-88) paying their quota of Inlgunal. This they clear that the Hosur ryot (who also own lands in Sirsi here) have a manual right to graze their cattle on the Sirsi lands. No orders could be passed in interfering with the manual right. The complainants should be informed accordingly."

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(16) On 8.8.97 the Malcare Ryots appealed against this order to the Collector who called for the records of the case and issued notices to the parties concerned. The Shanbhag Nanappa who was called upon to submit a list of persons living other villages holding lands in the Malcare village, submitted a list as follows:-

Total extent of land in Malcare village } A. 8. 384-26

Total assessment - 954-8-0

Land possessed by other ryots

	A. G.	assessment
Other ryots Nyakale Meppa	2-10	3-7-3
Meppasa of Kaneppa	2-34	4-12-6
Malagauda	4-24	19-2-0
Mallappa	3-36	14-5-6
Guraya	2-34	5-5-0
Jodidar Seshiengal	4-18	9-0-6
Bommigal Gaudagal Nappa	19-20	57-15-6
total	40-18	108-0-3

(17) On 8.1.98 the Collector directed the Huzurgal to submit correspondence relating to the Survey of 1883 referred to by the Malcare ryots. The Huzurgal submitted copies of papers which showed as follows:-

(E) Papers from 41 to 41/2 / 41/4

(F) On December 1896 the ryots of Hosur presented a petition to the Collector stating that they used to graze their cattle on the Lalapura lands (Malcare village of Malcare) from

from a long time and
a dispute in the pulling up
of boundary stones for the Kalapura
Pattle village at the time
of settlement, and that
the Shanbhag and patel of
Hoskere dissuaded the cultivators
from grazing their
cattle as per manual. His
petn were forwarded to the
Amildar for inquiry and
disposal. The Amildar submitted
a report in April 93, as
follows:- "The ryots of Kala-
pura" The petitioners (ryots of
Hosur) complain of the
obstruction by the Shanbhag
Krishnappa, to graze their
cattle on the Kalapura
lands as per manual. They
also state that they put up
boundary stones for the Kalapura
village at the time of settle-
ment.

(b) The ryots of Kalapura
and Hoskere as well as
the Shanbhag complain
that the petitioners who are the
ryots of a different village,
cause trouble by graz-
ing their cattle on their
Kandayam lands.

(c) The Shanbhag Krishnappa
and his son Venkatarama-
naiya state that they have
taken up certain lands for
dry Kandayam and some
Merlands on Kulgavalagi,
that the Hosur ryots graze

Sheet 7

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their cattle on the said lands without paying their proportionate share of the kulgaval kandagem and that they have therefore been driven from grazing their cattle. The two pallas produced by the peliya and Vedalè ramanna as well as the mudaliyar to the effect that the peliya put up the boundary stones of Kalapuna are herewith submitted. Vedalè ramanna alleges that he purchased the kulgaval of Walleregilla for during the years Bahudaraya to Chithabanna, that the peliya graze their cattle on the said lands without paying their share of rent and that he prevented their cattle from grazing for pasture to pay their dues. I informed the complainant that he should take proper steps to recover the amount due from the Resident royals, and that he ought not to behave in the way he did. There seems to exist some Zid between the two factions Vedalè ramanaya have taken up the whole right of Walleregilla kulgaval and is obstructing the peliya from exercising their right. As this too late now the peliya may [illegible] cooling

in the coming year but at the auction sale must obtain lands for pasture.

(d) It is submitted that there are no proper reasons to permit the regular a Jodi village to exercise the right of grazing in a Paul-village without the consent of the Paul-village right-holders.

(19) Thereupon the Dy Collr passed an order on 24.4.83 to the effect that the pattadars who were the ryots of a Jodi village might graze their cattle on the Paul-village (Malai) lands only with the consent of the Paul-village right-holders.

(20) On receipt of the above papers from the Tahsildar of Avinashi and the other records of the case and after hearing the parties the Dy Collr passed an order on 19.1.84 as follows:-

Paper No 43/4.

(21) "The respondent-Seshayyan and other villagers of Jodi Kovai claimed the enjoyment of Pulvarai village for their cattle and this claim was objected to by the appellants who are the residents of the latter village. The question was referred to the Tahsildar for enquiry and report and the latter finally deci

Appeal-8

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-ded by the General Asst
Court of the Trincomalee,
on 9.8.97 allowing the peti
-tioner of the Respondent and
other villagers of his Godi
village to graze their cattle
in the Kulhanni lands of
Kokene village on payment
of the usual assessment.

2. The petn of appeal
presented by against the above
order is on the following
grounds. (1) The lower court
has failed to decide the
point urged in the petn by
the appellants. (2) The question
has once been decided
by the Govt Agent in 1883
against the Respondent
and the lower court's order
under appeal is contrary
to (3) the names of the
persons who are alleged
to have been the purchasers
of some numbers in 1890
are not forthcoming in the
Kulhanni Sale lists. The
lower court has not taken
into consideration the local
enquiry and report made
by the Asstdar (4) The lower
court has lost sight of
the standing Govt order
No 6023-3/128 dated 29-1-1885
prohibiting the giving out

of the kulkarni lands of a village to the villagers of a different village. The question has also come up for discussion before the Representative Assembly of 1891. (2) The kulkarni lands of the Arakere village are quite insufficient for the appellants themselves to graze their cattle in.

Order: The dispute in this case is between the royals of Sirkar Arakere village (including Hagra Lalapura) and those of Jodi Hosur, regarding the right of the latter to graze their cattle on the kulkarni lands in Lalapura along with those of the former.

The same dispute had arisen in 1882 when the Hosur royals alleged the manool and urged in support of their right that they had helped to put up the bandhs in Lalapura at the survey. After some inquiry the Collector reported that the dispute had arisen on account of the royals of Hosur having fallen out with some of the Brahmin royals of Arakere and stated his opinion that persons so disposed much

Sect 9

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must comply for the purchase of the kulhanni lands in the annual auction and that it was not possible to give any kulhanni lands to ryots of Hosur villages for grazing without the consent of the purchasers at the kulhanny sale. The by laws passed on order on 24.4.93 to the effect that the Govt could not interfere in the matter and that the Hosur ryots could only graze their cattle with the permission of the kulhanni vidwan. There was no appeal against the order Govt Pro No 2360-9 dated 16th July 1884 was then passed ordering the discontinuance of kulhanny sale and granting the kulhanni lands to be grazed by the cattle of the village on payment of the average realisations. This rule was given effect to in this village also. But there is reason to believe that the Hosur villagers grazed their cattle for some years paying a portion of the kulhanny rent.

To Mysore Govt

11-Sept-1883

The Malleri ryots now object to continue the

arrangement and the question for decision therefore is whether the Forest rights can claim to graze their cattle and share in the rents as a matter of right. In another Pro. No. 6023-3/123 dated 29th January 1895 the Govt. held that where the grazing in a village was more than sufficient for the cattle of that village, cattle of neighbouring villages might be allowed to graze by private arrangement but that the villagers should not collect any separate fees and that any fees so levied should go to Govt. Shikami rent is levied principally on assessed waste which is liable to fluctuation and it is manifestly impossible to recognise any permanent rights to grazing on such lands by cattle of neighbouring villages. Moreover the general rule is available for the large village of Arakere containing 594 cattle is only 30 acres about 2½ acres having been taken up for forest conservancy. The extent of

(N.B.) In Govt. the lands available for pasture are 222 and 26 gunthas. (124-5 of Jomal, 15-24 of assessed waste) excluding the lands taken up for State Forest.

Sheet 10

Vy

kulbarni lands also is about 160 acres paying a rent of Rs 22-5-0, including cess. The order of the Extra Asst Collr in favour of the Hosur royals appears therefore open to question and even if the Hosur royals will accordingly be informed that they can have no vested right to grass in the Magra Salapur without the consent of the royals of Kalsare."

(22) The pets. has appealed to Govt against the above order of the Dy Collr on the following grounds.

(a) The appellant and his royals had been grazing their cattle on the Kalsare lands, paying kulbarni, in pursuance of the long existing manual.

(b) The appellant and his royals hold lands in the Kalsare village and pay kandayam thereon to Govt.

(c) In the kulbarni sale of 1889-90 the patels of both the villages conjointly bid and secured the grazing land and reliably paid the amount.

(d) The Dy Collr has himself admitted (in the concluding portion of his order) that the Hosur royals grazed their cattle for seven years paying

a portion of the kudiyaruppu.

(23) The Dy Coll was called upon on 15.4.91 to submit the records of the case together with the Survey maps of Thalcere and Thavur, as well as a report on the following points.

(1). For how many years and under what conditions, as a matter of fact, have the Thavur ryots shared in the grazing of the Thalcere village.

(2) If the finding in (1) is in the affirmative, why a clause in the nature of para 4 of Govt. Pro. No. 2340-9/55 dated 16.7.84 ordaining a remission of the kudiyaruppu if the ryots do not agree among themselves, should not be enforced?

(3) What is the annual kudiyaruppu rent of the Thalcere village (including Thayar Kolappan)? Were the names of the Thavur ryots mentioned in the distribution list and if so, were their shares of kudiyaruppu rent paid every year?

The Dy Coll was also requested to submit a statement showing the (a) extent of lands under cultivation (b) extent of garai land and kudiyaruppu lands (c) number of cattle (d) fluctuations in the No. of cattle and (e) the extent of kudiyaruppu lands in the two villages since 1880.

(24) The Amildar of the Srivaikundam Pundaluka who was

Sheet 11

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called upon by the Assistant Collector to submit a report on the above points, both about the depositions of the Patels of Kolalur and Yeldur villages, the ryots of Hosur and of the Jodidar.

(2) The Patels of Kolalur and Yeldur deposed before the Jodidar on 15-4-99 and 2-5-99 respectively, to the effect that the Hosur ryots were grazing their cattle on the Hosur lands for a long time paying their share of the Mulvanni rent; that when a dispute arose some years back, it was decided by a Punchayet that 1/3 of the right should be exercised by the Hosur ryots leaving the remaining 2/3rd to Kolalur ryots; that there was no letter like the year mentioned; that the Cattle of the Hosur ryots were ever since grazing in spite of the opposition; that the ryots of Kolalur, Hosur and some other villages also were grazing their cattle on the Kolalur Mulgund lands before 92-93, when a large portion of the pasture lands were taken up for State Forest; that the ryots of Kolalur and Yelder consolidated their cattle

Papers Nos 4 & 5 of 99

on the Malcare lands since then the lands available being insufficient.

(26) The royals of Malcare depose on 16.4.99 that the cattle of the villagers of Hosur, Seethareddipally, Kolakur and Kalthiswarahally were grazing on their Village Kulgawal lands (Ille 92-93) when 2 A 39.18 G of gomal and 3.86 A acres of assessed waste were taken up for State forest, leaving only 222 A acres (X) 26 G of land available for pasture, that the cattle of other villages ceased to graze on their lands since then, except ~~those of Hosur~~ who, that the Hosur royals paid Rs 7.70 towards the kulhamirent for the year Virodhi when the kulhamis were sold by auction; that the Hosur royals were not grazing their cattle during the subsequent years and that the lands now available for pasture were insufficient for their use; and that they had no objection if a portion of the reserved lands of the State Forest is also taken back and allotted for the use of the Hosur royals.

	Before 92-93.	After 92-93
	A G	A G
Gomal	363.17	124.2
Kulgawal	684.24	98.24
Total	1048.1	222.26

(27) The Jodidar Lobhunger who was asked by the Amildar

Paper No 47.

Sheet 79

Paper No. 51
1

29

to submit the kaneshumari accounts of his Jodi village from 1881 and a statement showing the extent of lands under cultivation and the gomal and other lands of his village stated on S.S.99. that no such accounts were kept (the village having a jodi); and that he would produce the accounts Nos. 1 & 1st form) kept by him as per recent orders of Govt and that he had already submitted the pattas, receipts which were with him regarding the rights of the Sirkar regals by grass on the lands of Malare

(28) The withholding of the Srimanpur Sahukar in submitting the above depositions will be his report No. 691 dated 12.S.99 reported that in reply to his yadi to the Mukhtiarkar for the papers noted with the margin he was informed that the papers from 1881 to 1887 were destroyed according to rules and that those from the years 1887-88 had been forwarded thereto; that the papers noted in the margin were not found in the records; that from the Chidipatta of Sarvadon and the Kulkarni Takta of the year Vibodhi, the Kulkarni

(5) 1) Kaneshumari accounts.
2) Kulkarni Tabdi
3) Kulkarni appointment
of the Malare and Talapur villages from 1881.

(6) 1) Kaneshumari of Jaya
2. Kulkarni tabdi of Sarvadon
3. Receipt for Government bigha for the years Sarvajitu Sarvadon and Vibodhi
Vikrutti and Kara

of Kalaura village has been apportioned between the Hosur and Kalaura ryots; from the A statement was by the witnesses examined from which it is proved beyond doubt that the Hosur ryots had a manual right of grazing; that the Kalaura ryots were subject to the grazing of Hosur cattle on the ground and Tribulgund and Agrahal lands had been reduced considerably by the in 1892-93; and that the statement called for in respect of extent of land under cultivation, Agrahal, No of cattle &c of Kalaura village (including Lalapur) had been sent herewith and that the statement as regarding the Hosur village could not be submitted as the Survey authorities declined to give the necessary papers.

(29) The Dy Collr in his letter No S268/1102 dated 23.6.98 has forwarded for the letter No 163 dated 11.6.98 of the Asst Collr who reports: (in regard question) that the village of Kalaura with its Inams (Kalapur) had before 92-93, 363.17 of Agrahal and 62.28 of unoccupied assessed waste; that the ryots of Kalaura, Seetha reddipally, Kittureemabally

Sha - 13

31

koratur and Jodi Hosur had been for some time grazing their cattle on the kulkarni lands of Kalasa; there appeared to be no agreement between the ryots of Kalasa and Jodi Hosur with regard to the rights of grazing, which in the year 1892-93, 239 legitimate Jodi Hosur cattle of which had been taken up for state forest, had the ryots of Kalasa did not therefore permit the Hosur ryots to graze their cattle, the lands left after forming the state forest being insufficient;

agreed point 2 }

That the kulkarni rent of Kalasa including wages Lalpur is Rs 22-8-0; that in 1889-90 (Vaadhi) the Amale granted Jodi Hosur paid Rs 7/- towards the payment of kulkarni rent by Kalasa; that the Jodi's had produced a receipt showing the payment of 12 annas 9 pies as kulkarni rent to Kalasa Village for 1888-89 (Sarvadari), that in the distribution list from the years 92-93 to 97-98 no mention was made of the Hosur ryots having paid their share of kulkarn

that the lists from the
remaining Taluks 92-93 were
had been reported to the
meeting, and that the
lists prior to 1887-88 were
reported to have been des
troyed under the rules;

and that the eager want of
grazing by the Hosur ryots
not having been clearly
established, a resolution
placed in para 4 of Govt Pro.
dated 16.7.84 becomes unnecessary

point No 3.

As regards the last para
of the requisition of Govt, the
a Statement showing the
extent of general lands, lands
under cultivation, the forest
Cattle fed from the village
1887-88 has been sent. ①.
(the accounts prior to 87-88
having been destroyed)

As regards the Statement
for Godi Hosur the reports
that the papers regarding are
not having been. refused to be furnished
by the Tahsildar. ② the Statement
called for has not been
sent.

Vide the Remarks of the
Dy Conservator's report.
for 1898-99.
(~~N.B.~~) The topography
of Attalcere village } 571
Extent of land under } Acres 8.
cultivation — } 356-20
Extent of general - 124-2
Extent of unoccupied } 90.24
assessable. }

for Attalcere
on the ground that there are
no orders to furnish repe-
-rences regarding valuation
Seeing

30/7/99

33

(30) The pet^rs Seshiengar & his
ryots own 20-9/36 of land
(assessed at Rs 56-0-9
in the Arakere Village,
the total assessment of occupied
lands in the Arakere Village
being Rs 954-9-11
In a similar case (P.10
of the Printed Coll^n of
Rev decisions), the Sad^r
directed that "the assessment
should be divided between
the non-resident & resident
Khatedars in proportion to
the assessment paid on the
lands in the Village by each of them"
If this principle were
applied to this case, the applicants
would not get 1/3 of the
pasturage lands which
they appear to have enjoyed

previous to 1892-93

for some years as appears
from the evidence in favour
of the pet rs (there) the fact that
Rs 57 out of a total hukbumi rent of Rs 22 was paid by non-resident rights
(31) in a later case (P 56
of the Coll's Rep decisions) the

Sol. held that, where there was previous to the dispute
an agreement between the
residents & non-resident Khatedars
Khatedars & that agreement
should be given effect to unless
the agreement was modified
with the assent of both the
parties or the sale of the
hukbumi should be held.
In the present case it is
clear that the pet rs & his
ryots have for some years
enjoyed the privilege of grazing
their cattle on the assessed waste
of Arakere but there is apparently
no agreement recorded in
writing or definitely ascertained
Again there is the fact
in favour of the C- pet rs

36

35

that in 1892-93 a very
large extent of hubbunni
& Somal land (about 800 acres
in all) was taken up
for the Zeldur. State forest
and that the remaining
extent is insufficient
to meet the extravagant
demands of the petrs.

On the whole an apportion-
ment based on the assessment
paid by the parties seems
an equitable settlement

7/8/88

1/A/121-97-2

The Secretary to
Proceedings of H.H. the Maharaja of Mysore
(General)

No. 2360-9-55. Dated Bangalore
16th July 1884

It has been brought to the notice of the Govt of His Highness the Maharaja that the annual sale of the pasturage of unoccupied Government lands is attended with great hardship to the large body of the ryots. At such annual sales, the whole of the available pasturage in a village is not unfrequently bought by some speculator not connected with the village, who sublets the pasturage to the villagers at very ~~exorbitant~~ exorbitant rents. The extortion and annoyance which result from the present system has for some time past been the subject of frequent complaint from all parts of the Province, and the Govt have had under its consideration various proposals for the removal of the evils complained of.

2. It is of course necessary that Govt should get some return for the extensive pastures at its disposal. The revenue from this source amounted before the famine to one lakh of rupees; during the famine years, it was nearly nil; but since then it has gradually recovered and in 1883-83 stood at 1/4 lakhs. The question now is how to secure the present revenue and to provide for its prospective increase, without reverting to the objectionable system of competitive sales.

3

3. To the purchaser at the annual sale the owner of cattle now pays a rent, calculated at rates ranging from 1 to 2 annas per head, and even for so light a rent, he is often unable to secure the desired pasturage. Under such circumstances a small Government rate of say $\frac{1}{4}$ anna per rupee of land revenue or $\frac{1}{2}$ anna per head of cattle will doubtless be received as a great boon by the people, while the Government itself will derive therefrom somewhat higher revenue than is now realized by the annual sales. A rate calculated upon the land revenue will possess the great advantage of being readily ascertainable, but it is liable to the objection of being regarded as an additional burden upon the land. On the other hand a rate upon every head of cattle will be appropriate in theory, but its imposition will involve the delegation to village servants of powers which can be abused with comparative impunity.

4. Under such circumstances, and pending the adoption, under proper safeguards, of a pasturage rate, if found necessary hereafter, the Govt resolve that during the current year, no Kulkarni sales shall take place, but that, in lieu thereof, every

village be given the option of securing the right to pasturage within its limits for a price fixed upon the average realization during the past two years. With this object, the following rules are issued for the information and guidance of all Revenue Officers:—

I The average land revenue realization of each village during the years 1882-83 and 1883-84 shall be carefully calculated, and the grazing of all unoccupied, fallow lands of the village shall be offered for the amount thus ascertained to the inhabitants of the village for the current year.

II If the villagers accept the grazing on these conditions, the amount to be paid by the whole village shall be apportioned by the various land-holders and other residents of the village among themselves, and a list showing the amount payable by each individual according to such apportionment shall be prepared and signed by all the villagers interested. The list shall be signed by the Patel and the Kamdhiya. It must be distinctly understood that the apportionment of the total amount payable by the village among

individual members thereof, as to matters of private agreement between themselves.

III. The Arbitrator shall ascertain by such lists and questioning the villagers as to whether they are satisfied with the arrangements therein recorded. Each individual against whom an amount is entered should be thus questioned. If, upon such enquiry, the Arbitrator is satisfied that the arrangement is one to which all parties interested have given their assent, he shall certify this fact under his hand on the lists in question which shall thereupon be recorded with the Standing. The amounts specified in these lists against any individual shall thereupon be ordered as the demand against him in his khata and shall be recoverable from him as a revenue demand.

IV. If the inhabitants of any village are unwilling to accept the grazing of the unoccupied Govt lands of the village for the amount fixed therefor by para 2, or if they cannot agree among themselves as to the apportionment of this amount, or if, at the Arbitrators

And during enquiry, there arise disputes regarding such amount & its apportionment, then the right of grazing in the villages concerned shall be sold on the spot as heretofore.

V In villages the grazing right of which may be given to the villagers by agreement as above, there shall be no restrictions whatever placed upon the grazing of unoccupied Govt lands by the cattle of the villages.

VI Instead of dispersing of the grazing of each village as above directed, the Circlars may, when found necessary, arrange the villages in convenient groupings and dispose of the grazing of each such group separately. Such grouping should be made with strict regard to existing grazing arrangements, and as far as possible with the consent of the villages concerned.

The deputy Commrs and Assistants are requested to give the widest publicity to these rules. Their effect should be fully explained to each village both before and during the ensuing jamabandi.

The further continuance of the system

remembered for the ensuing year, or the adoption of the alternative proposed of a fractionage rate, will depend upon the success with which these rules may be worked. The measure is of great importance to the agricultural population and the Government rely upon the earnest co-operation of all District Officers for introducing and working it in a way calculated to ensure its permanency.

(Sd) R. Vijayaraghavan
Secretary

To
The Chairman of D.B.
" Collector
" Commissioner

Copy

42 LA 124-973

READ-

Letter No. 1229-950, dated 30th January 1835, from the Deputy Commissioner, Shimoga.

---------o---------

No. 6023-31/ 138, DATED 29TH JANUARY 1835.

ORDER.- As a general rule the grazing of one village must be limited to the cattle of that village; when howev it is abundant and can supply the demand of other village there is no objection to the temporary letting of the sur plus grazing to the cattle outside; but this must be done under the prescribed rules and no extra collection from the outside ryots should be permitted.

2. In the case now brought to notice the village officials were not justified in making the extra collec tion and should be warned against doing so in future wit out orders. The collections which they have made should be recovered from them, and credited to the Government Land Revenue to which they legitimately belong.

(Sd.) R. VIJAYINDRA RAO,

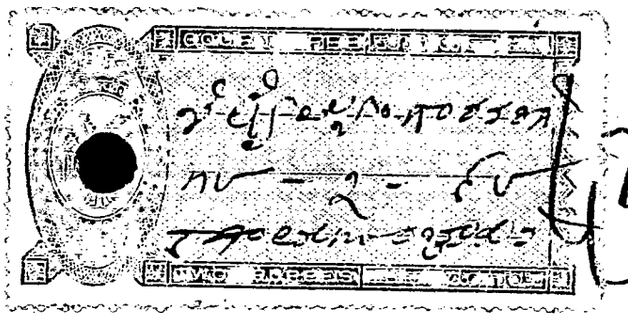
S e c r e t a r

M.W.A.K.

W. K.

2357

2 Rupees Stamp affixed



B

Transmitted in appellant in person to Palace Bg. 18/3/40.

In the Court of the Revenue Council Dewan of Mysore.

Revenue Appeal No. of 1935.

Appellant

Sesha Iyengar Jatian of Kaveripuri in the Kolar Taluq.

(Respt.) (Plff.)

Respondents

1 Patel Narayanappa

2 Eyanniahgar

and residing in the village of Chinivara Agrahara Kabbi-Sannayakana Taluq. (Appellant) (Defdt.)

MYSORE REVENUE OFFICE
PETITION DEPARTMENT
PAGES 2
DATE 8-3-35

The appellant most respectfully begs to submit as follows:—

The appellant and other ryots of the village were in the enjoyment of the Kulvari of the respondents village which is at a distance of a furlong, a dispute having risen the matter was referred to the Amildar for enquiry and report on the report of that officer after necessary enquiry and reference to the records, the General appellant — Commissioner, who was in charge of the Taluq decided the question in favor of the appellant allowing him and his ryots to graze their cattle as usual in payment of the prescribed rent.

Ulm

In appeal by the respondent the Deputy Commissioner reversed the order of the General Assistant Commissioner holding that the appellant had no right to graze his cattle without the consent of the Panchayat of the Sarkar village.

Against the above decision the appellant begs to appeal on the following grounds:-

1. That the appellant and his co-villagers had a customary right to graze in the Government village as will be seen from the papers marked 14 to 21 in the Talug Record; that the allegation of the respondent that the Sarkar village, the property in the dispute and total land for payment of kattani rate and the account submitted by appellant right.

2. That the appellant's land village is situated within a distance of about 1/2 furlong from the Sarkar village and that the appellant and some of his co-villagers have no lands in the respondent village and are non-landholders. In the conclusion part of para 2 of the lower court order it is noted to the effect that there is reason to believe that

that the said villagers enjoyed their title for some years having a portion of the Kattani route."

3. That in the year 1893-94 of the Kattani of the said villages was sold and purchased by the said villagers jointly and the amount was distributed among other rest of the village concerned.

In the foregoing reasons the appellant prays that the order of the lower court may be cancelled and he and his villagers permitted to enjoy their annual right

Bangalore
Dt 18-3-98.

[signature]

46 Lr. 124-97-4

To
The Dy Comr
Kolar DL

No 9917 dt 16.4.98 P.
P. 1300 dt 16/4

In forwarding herewith & togeth
with one enclosure petn no
2357 dated 18/3/98 from
Sekhu Syeyan of post Hosur
village, Srinivaspur taluk,
appealing against the Dy
Comrs order declining to
recognise the rights of the
petr & his ryots to graze
their cattle on the hutbunds
lands of Arakere village,
has the honour to request
the submission of a report
on the following points
(1) Do the standing orde
absolutely prohibit the ryots of
one village from grazing in
cattle in the hutbunds lands
of another village?

Hub. Tours 6023-31
128
5 29/1/85 Lays this
down generally.
M

Under the circumstances
I approve of the proposal
to reject the appeal
Sd/- Rice Commissioner
G.D.
13/4/98

Sd/- Rice
14/4/98

(4) For how many years and under what conditions, as a matter of fact, have the Hatim Ryots shared in the grazing of the Arakere village?

(3) If the finding is in the affirmative, why in the absence of any such clause in the pattas and Govt Rule No 20 2340-9 dt 16/7/84 finding for a sale of the Melbumi Ryots do not agree among themselves, should not be enforced

(4) What is the annual Melbumi rent of the Arakere village (excluding mere dalapouji) were the names of the Hatim Ryots mentioned in the distribution for 1884 & if so what was the Melbumi rent paid every year?

2. The Dy Comr is also requested to submit the survey maps of the two villages (Arakere & Hatim) & the talukh maps together with a statement showing

48

(a) extent of lands under cultivation
(b) extent of grass & kulburnie
lands (c) number of cattle.
(d) fluctuations in the number
of cattle ~~(e) the~~ and the
extent of kulburnie lands
in the two villages since the
year 1880.

3. The attention of the
Dy comr is drawn to the
fact that the copy of
the order produced by the
petrs is undated.

By order

Mr Forbes

13/4/95

Filed

Mdy

1.7.99

There one point which is not clear
that is whether any of the rights of
Govt Holders lands in Pakke
(including Lalapam)
Are preserved

Mr 28/7/99

Mr Short Hear

11.7.99

No S.Rec
11-7-99
Precis prepared

20/7/99

Filed & Rev Cr

Mdy with Precis

21.7.99

Mr 7/8/99

Rec'd 11/8/99
Vijayapur

106

The maps subsequently received are put up

338

(3)

REVENUE G 8311
Ref 1476
JUL 1899 DEWAL

FROM

The Dy Commissioner
Kameng District

To The Secretary to the Government
of Assam
Revenue & General Department

Dated 23
Despatched 25 } June
Received 28.6.99

General No. 5268
No. 1102 1 Map
2 maps separately sent
Enclosure No. 7 to be attached to Revenue
2 sent
1 record.

6

Reclamation (Jungle) case with
one petition of Bekha Ligang
of Jadi Mouza in Lalapam Circle
-ward in Kameng District praying
-ing inter alia for grant on the
of his reclamation and
-ent under Govt Rules
-ding of the same to him

Put up
29.6.99

Rec'd
30/6

Rep put up

AK
30/6/99

Solar Deputy Commissioner
Office

Commissioner Jacobsberg in detail on each point.

The Map of Sorieux and Kadian Villages with that of Soanierana Calandi together with the Vernacular Records bearing on the Subject are enclosed.

I have the honour to be,

Sir,

Your most obt. Servant,

Hill Sparks

Deputy Commissioner

Jaffna

No: 1163.

General Land Commissioners
Office, Hobart Town.
Date 13 June 1845

To

The Assistant Commissioner
Hobart Town

Sir

With reference to your Memo No: 1143 dated 14 April 1845, forwarding for report Secretaries Memo No: 130 of the 8 March calling for further information on the appeal petition of Shackleton Jones of Avoca Village, Fruit Grower Called, I have the honor to report as follows:-

2 The Village of Avoca is the Commissariat Establishment for Magisterial Duties A-09. And is the Registered 363-1 of Parish Land and 654-24 Unregistered Leased land, The appeal petition Lessees Kathleen Connolly, Water Bailiff Avoca Villagers were for some time grazing their cattle on the Commissariat Land of Avoca Village. These objected to the application stating the right of

Ap 1845-93
See para 2 Hon

Andhree and fell down in regard
to the right of origin.

2 In the year 1892-93 (Bangabda) 299-5
of Gonal land and other 586 area of
uncultivated waste land, were taken up
in the village state book, therefore the right
of this village did not allow the
Ryots of fell down and the villagers to
graze their cattle in this village as the
land left from after the cultivation
of the land to the state forest department
and sufficient for the cattle of the
village.

4 The Kallukami, rock Andhree
including Nagara Kulam is 22-5-
in 889-90 (Mandli) the chairperson
of this Gram Panchayat has handed
the payment of Gallukami rock
to Andhree village. The gudem of
Mocha has produced a receipt —
showing the payment of 12 annas of
this as Gallukami rock Andhree
village in 888-89 (Mandlam). The

The Statistical Abstracts submitted with
this from the year 1892-93 upto 1897-98,
do not show any decrease in the
Land Revenue demand. The data pertaining to the
previous years viz from 1887-88 upto
1892-93 are missing in the records of the
Mavillayi Taluk to which the village
belonged at the time and these figures of
1887-88 are reported to have been de-
stroyed under the rules.

5. As the assignment of the right of
grazing by the Land Lords, upto the
Kuttikkanni lands of which village out
Karing Tenancy Committee is
made contemplated in para 4 of Govern-
ment Proceedings No. 2540-A dated 16th
July 1884, would become unnecessary.

6. An English statement showing the
extent of lands under cultivation
Gomal and assessed thereon
Land with number of cattle as called
for in para 2 of the Secretary's under
reply, is herewith submitted.

The

The information was received by
the year '85-86 as to decision relative
to the above by-law was received from
the Council under the provisions
of Municipal Act and the Local
Option Act, that a majority
of the votes polled in favour
of the By-law. The information
being duly certified that
a majority of the votes polled
in favour of the By-law
was in favour of the By-law
and that the By-law
was therefore carried by the
majority required by the Act
and that the By-law
should be finally passed by the
Council of the Township
of Dawn
Moved by Mr. Dawn
seconded by Mr. Dawn
that the By-law
be finally passed by the Council
of the Township of Dawn
and that the Reeve
and Clerk be instructed
to sign the By-law
and affix the Corporate
Seal thereto
Carried

8. 5b Consideration, I beg to said, that
though the right of grazing in the lands of
Cridlore village, by the people of the village
has not been clearly established by
documentary evidence, it has been found
beyond doubt from the evidence given by
some of the villagers that the people there
were for some time, grazing their cattle
on the lands of Cridlore village paying
their quota of the rent kattam.

9. The audit records in the case are
submitted with a Tarik.

I have &c.

(Sd) M. Gopalaswamy

Gen. Settlement Commissioner

Kolar District

Copy"

M. Gopalaswamy

Orfly Commissioner

Kolar District.

Trans

1896 97	354	26	124	2	98	24	669	Do 95	"	"
1897-98	355	27	124	2	98	24	594	Decrease 75	"	"
1898-99	356	20	124	2	98	24	571	Do 23	"	"

H H Sparks
Deputy Commissioner
Iowa

Statement showing the Extent of Land under Cultivation, Extent of Forests in the Village of Kirkere, Sreenivaspur Taluk ——

Year	Extent of land under Cultivation including Kharif		Extent of Forest		Extent of Unassessed Revenue waste		Alienations				Remarks
							No of Cases	Extent Granted	Extent of Inclusions		
1887-88	318	5	305	17	694	20	6004	"	"	"	Reserves include Majara Salapur area
1888-89	320	17	305	17	681	24	6063	Reserve 1911	"	"	Do.
1889-90	330	2	353	17	684	24	6,75	Reserve 215	"	"	Do
1890-91	330	2	305	17	681	24	6,75	Reserve 180	"	"	
1891-92	316	21	305	17	681	24	6,56	Reserve 12	"	"	
1892-93	309	5	1221		698	20	6,91	Reserve 92	Reserve 586		586 acres of land more taken up for Forest Reservation
1893-94	338	29	1221	2	698	20	6,96	80 21	"	"	
1894-95	342	8	1224	2	702	24	6,95	Reserve 92	"	"	
1895-96	352	26	1224	2	738	24	6,74	Reserve 92	"	"	

(5)

Proceedings of the Govt: of Mysore

Read:- L.A. 121-97-6

Petition of appeal No: 2351 of 1897-98 presented by Sheshia Eyengar, Jordar of Hosur Village in the Seringapatam Taluk, against the Order of the Dy Comr. of the Kolar Dist: rejecting the claim of the petitioner and directing to graze their cattle on the Kulbanni lands of the adjoining Arakere Village.

2. Letter No: 5268/1102 dated 23rd June 1899 from the Dy: Comr Kolar Dist: reporting on the above.

3. The records of the case

Read again

(1)

Draft for approval

Sd/- Secretary

(Should I refer to the original of the decision herein quoted but there is some delay in the case being found)

by 6/9/99

Approved

by [illegible]

Draft finished 20/9/99.

HC

(1) Govt. Pro: no: 2360-9/55 dated 16.7.84

(2) Govt: Pro: no: 6023-31/128 dated 29.1.85

(3) decision of Govt: in appeal no: 2620 of 1887-88 of 4.7.89.

(4) Govt: Pro no: 8333/P7223 of 11-12-92

In September 1896 the petitioner complained to the Dy: Comr: that although he and such of his raiyats as owned lands in the Arakere village had been accustomed for a long time to graze their cattle on the kulbanni lands of the said village, the Shanbhog and the patel of the village obstructed them in the

Exercise of the right. In the Inquiry that followed the Shambiro and the Nakuru denied the existence of any such right and urged that on a similar complaint in 1883 by the Hoshu people it was decided by the then Ag: Govt that they could not graze their cattle on the Kilbanni lands of Arabia unless the Arabia people conceded thereto, and that so in 1892-93 a large extent of forest and Kilbanni lands in Arabia had been taken up for a State Forest, the remaining Natives who were - cient for their requirements. The petitioners alleged that the

he and his raiyats were
enjoying one-third share
in the kulbanni of Arakere
paying the kaparikke
kulbanni rent, and re-
ferred, in support of his
statement, to payments
of kulbanni rent by him-
self and another Amalgamna
of Hosur for the Arakere
village during the years
Virodhi chikkati (1889-90
and 1890-91). Examination
of the raiyats of Arakere
deposed to the effect
that the Hosur raiyats
enjoyed the grazing right
till the year Manmatha
when the dispute arose.
On 12.6.97 the Amildar
reported to the General
Asst

62

General Asst Comr that
from the evidence adduced
it appeared that a portion
of the fuel harvest of
the Attikere village had been
paid by certain ryots
of Hosur (inclusive of the
petitioner) in the years
1887-88, 1888-89 & 1889-9
and that in spite of the
Dy: Comrs order of 1883 the
Hosur ryots had been
in the enjoyment of the fuel
right till 1896. That on
the general Asst Comrs in
his order dated 9.7.97 held
that the right had been
established beyond doubt
and should be enforced.
By appeal the Dy Comrs
reversed

reversed the above order
on the grounds that a
similar complaint had
been disposed of against
the petitioner in 1883 & that
under the Standing orders
the raiyats of one village
had no right in the graz-
-ing of another village.

Order thereon:- 21/70 8/22.9.99
P.644-99 23

The records show that
the petitioner and his raiyats
own 20 acres & 36 guntas of
land assessed at Rs.56/-/9 in the Arakere village
the total extent of the oc-
-cupied lands in the ~~Arakere~~ Varies
~~Village~~ being 354 acres & 26
guntas assessed at Rs.954/9/0

It is further evident
that

that these non-resident
Khatedars of Atraktee have
for some years enjoyed the
right of grazing their
cattle on the kulcharnee
lands of the village, though
the extent of this right
is not clearly ascertain
able the latter point
is not however of import
ance as owing to ~~the~~
a large extent of the
kulcharnee lands of Atraktee
having been taken up for
a State Forest in 1892-93
the circumstances which
existed prior 1892-93
cannot now be taken as
a guide in ~~the~~ regulating
the extent of the right

Under these circumstances
the

the Govt: resolve to adopt
the principle laid down
in the decision of Govt:
dated 4.7.89 (In appeal
No 2626 of 1887-88) Viz
that the use of the aforesaid
waste should be
regulated with reference
to the assessment paid
by the several ryots.
The order appealed against is reversed &
the Collector will therefore
be requested to divide
the aforesaid waste between
the petitioner (and his
ryots) and the counter-
petitioners in proportion
to the assessment paid
by them. This division
will of course be no
bar to any of the lands
in question being granted

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granted for enlargement

Offi: 14-9-99

Secretary

To D/Court Kolar &
with record for
[illegible]

22-9-99

24.11.99

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